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10/630,257	07/30/2003	Timothy M. Anderson	POU920020121US1	9401

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NOTIFICATION DATE	DELIVERY MODE
01/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _03_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 October 2007 and 23 October 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 July 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submissions filed on October 3 and October 23, 2007 have been entered.

2. Claims 1-20 have been examined.

Response to Amendments

3. Per Applicants' request, claims 1, 5, 8, 12, 14, 15, 18, and 20 have been amended.

4. The objection to claims 5, 12, and 18 is withdrawn in view of Applicants' amendments.

Response to Arguments

5. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

Drawings

6. The drawings are objected to because of minor informalities. FIG. 5, block 503 and FIG. 6, block 608 have a same typo "*determins*".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claims 1, 5, 8, 12, 15, and 18 are objected to because of minor informalities:

a) The Applicants added new limitations "a build computer system creating a clone image of a program, the program including driver software, the clone image lacking the driver software", and argued as allowable subject matter (Remarks, pp. 14-15, emphasis added) without pointing out the support text/figure.

The specification merely discloses "In a preferred embodiment, the clone image that is to be loaded into the client has no driver software included" (page 6, lines 8-10), but does not explicitly disclose "creating a clone image of a program, the program including driver software, the clone image lacking the driver software".

For a proper prosecution record, the examiner respectfully request the Applicant point out the support text/figure in the originally filed disclosure in the next communication with the Office.

For a purpose of compact prosecution, claims 1, 5, 8, 12, 15, and 18 have been examined as the examiner anticipates that the Applicant will either point out the support text/figure or amend the claimed limitations.

b) There are two "driver software" recited in claim 1, lines 4 and 17. As disclosed in the specification, page 6, [0014], lines 8-22, and previously recited in claim 1, lines 10-12, the phrase in line 17 is considered to read as - -...such that the program includes driver software determined in the set of program components- -.

c) For consistency, in line 15, the phrase is considered to read as - - [[programmed]] program components- -.

Appropriate correction is required.

Claim Rejections – 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,185,336 to Vaughan (art made of record, hereinafter "Vaughan") in view of "How to Prepare Images for Disk Duplication with Sysprep", published November 29, 2001 (art made of record, hereinafter "Sysprep-Nov01").

Claim 1:

Vaughan discloses *a method for creating a replica (clone) computer system program image, the method comprising the steps of:*

a build computer system creating a clone image of a program, the program including driver software, the clone image lacking the driver software (e.g., FIG. 1, col.3: 54 – col.4: 42; FIG. 2, col.4; 43-50);

the build computer system downloading the clone image of the program to a target computer system, in order to begin a build of the program on the target computer the build computer system receiving from the target computer system, target computer system configuration information (e.g., FIG. 2, col.4: 51-65; FIG. 5, col.6: 17-57);

the build computer system determining, according to the received target computer system configuration information and according to predetermined rules stored in the build computer system, a set of program components needed by the target

computer system to complete the build of the program on the target computer system (e.g., FIG. 2, col.4: 43-65; FIG. 3, col.5: 25-55); *and*

the build computer system transmitting one or more program components of the determined set of programmed components to the target computer system (e.g., FIG. 2, col.5: 7-24; FIG. 4, col.5: 56 – col.6: 16); *and*

the build computer system completing the build of the program on the target computer system, such that the program includes driver software (e.g., FIG. 2, col.5: 7-24; FIG. 5, col.6: 17-57).

Vaughan does not explicitly disclose *the program including driver software, the clone image lacking the driver software.*

However, in an analogous art, Sysprep-Nov01 further discloses:

a clone image of a program (e.g., page 1: 4-9; page 2: 5-27),

the program including driver software (e.g., page 1: 13-22; the program may include driver software for modems, sound cards, ..., such as an earlier version),

the clone image lacking the driver software (e.g., page 1: 24-26, page 2: 23-25) the clone image lacking the driver software of said modems, sound cards, such as a later and uninstalled version); and

completing the build of the program (e.g., page 1: 23-26, completing the build of the destination computer by installing the later version).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sysprep-Nov01's teaching into Vaughan's teaching. One would have been motivated to do so to clone a computer system's operating system, software, and settings and add plug-and-play drivers by updating the driver repository of the target system as suggested by Sysprep-Nov01 (e.g., pp. 1-2).

Claim 2:

The rejection of claim 1 is incorporated. Vaughan also discloses *the target computer system configuration information comprises any one of an attached device information, a model information of the target computer system, a type information of*

the target computer system, an amount of memory information of the target computer system or a processor information of the target computer system (e.g., col.4: 43-50; col.6: 17-57).

Claim 3:

The rejection of claim 1 is incorporated. Vaughan also discloses *the one or more program components comprise any one of a program for determining a computer system configuration information, device drivers, application programs or custom build programs* (e.g., col.5: 7-24; col.5: 56 – col.6: 16).

Claim 4:

The rejection of claim 1 is incorporated. Vaughan also discloses *the determining step further comprises the step of interrogating rules for configuration information* (e.g., col.3: 54 – col.4: 42).

Claim 5:

Vaughan also discloses *a method for programmatically building a replica (clone) computer system program image, the method comprising the steps of:*

creating a clone image of a computer system program, the clone lacking driver software (e.g., col.4: 43-50; col.3: 54 - col.4: 42);

loading the clone image into a target computer system (e.g., col.6: 17-57; col.4: 51-65);

loading into the target computer system a clone install program (e.g., col.5: 25-55);

executing the clone install program at the target computer system, the target computer system in network communication with a build computer system (e.g., col.4: 51-65);

detecting by the clone install program, configuration information of the computer system (e.g., col.4: 43-65; col.5: 25-55);

transmitting by way of the install program, the configuration information to the build computer system for evaluation by said build computer system according to a configuration rule to determine a set of program components needed by the target computer system (e.g., col.4: 51 – col.5: 6; col.5: 56 – col.6: 16);

receiving the set of program components from the build computer system (e.g., col.5: 7-24; col.3: 54 – col.4: 42);

storing the set of program components at the target computer system; and building, on the target computer, a replica of the computer system program, the replica including driver software (e.g., col.6: 17-57).

Vaughan does not explicitly disclose *the program including driver software, the clone image lacking the driver software.*

However, in an analogous art, Sysprep-Nov01 further discloses:

a clone image of a program (e.g., page 1: 4-9; page 2: 5-27),

the program including driver software (e.g., page 1: 13-22; the program may include driver software for modems, sound cards, ..., such as an earlier version),

the clone image lacking the driver software (e.g., page 1: 24-26, page 2: 23-25) the clone image lacking said driver software, such as a later version and uninstalled).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sysprep-Nov01's teaching into Vaughan's teaching. One would have been motivated to do so to clone a computer system's operating system, software, and settings and add plug-and-play drivers by updating the driver repository of the target system as suggested by Sysprep-Nov01 (e.g., pp. 1-2).

Claim 6:

The rejection of claim 5 is incorporated. Vaughan also discloses *the executing step comprises the further steps of receiving an update to the install program from the build computer system* (e.g., col.4: 51-65; col.5: 25-55).

Claim 7:

The rejection of claim 5 is incorporated. Vaughan also discloses *the set of program components comprise any one of programs to be run on the target computer system to augment the install process, device drivers or application programs* (e.g., col.5: 56 – col.6: 16).

Claim 8:

Vaughan discloses *a computer program product for creating a replica (clone) computer system program image, the computer program product comprising:*

a computer readable medium having computer readable program code therein (e.g., col.3: 54 – col.4: 42; col.6: 17-57) *for performing a method comprising:*

a build computer system creating a clone image of a program, the clone image lacking driver software (e.g., col.4: 51-65);

the build computer system downloading [[a]] the clone image of the program to a target computer system, in order to begin a build of the program on the target computer (e.g., col.4: 43-65; col.5: 25-55);

the build computer system receiving from the target computer system, target computer system configuration information (e.g., col.4: 51 – col.5: 6);

the build computer system determining, according to the received target computer system configuration information and according to predetermined rules stored in the build computer system, a set of program components needed by the target computer system to complete [[a]] the build of the program on the target computer system (e.g., col.5: 7-24; col.5: 56 – col.6: 16);

the build computer system transmitting one or more program components of the determined set of programmed components to the target computer system (e.g., col.5: 7-24); *and*

using the one or more program components, the build computer system completing the build of the program on the target computer system, such that the program includes driver software (e.g., col.6: 17-57; col.5: 25-55).

Vaughan does not explicitly disclose *the program including driver software, the clone image lacking the driver software.*

However, in an analogous art, Sysprep-Nov01 further discloses:

a clone image of a program (e.g., page 1: 4-9; page 2: 5-27),

the program including driver software (e.g., page 1: 13-22; the program may include driver software for modems, sound cards, ..., such as an earlier version),

the clone image lacking the driver software (e.g., page 1: 24-26, page 2: 23-25) the clone image lacking said driver software, such as a later version and uninstalled).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sysprep-Nov01's teaching into Vaughan's teaching. One would have been motivated to do so to clone a computer system's operating system, software, and settings and add plug-and-play drivers by updating the driver repository of the target system as suggested by Sysprep-Nov01 (e.g., pp. 1-2).

Claim 9:

The rejection of claim 8 is incorporated. Vaughan also discloses *the target computer system configuration information comprises any one of an attached device information, a model information of the target computer system, a type information of the target computer system, an amount of memory information of the target computer system or a processor information of the target computer system* (e.g., col.3: 54 – col.4: 42).

Claim 10:

The rejection of claim 8 is incorporated. Vaughan also discloses *the one or more program components comprise any one of a program for determining a computer system configuration information, device drivers, application programs or custom build programs* (e.g., col.6: 17-57).

Claim 11:

The rejection of claim 8 is incorporated. Vaughan also discloses *the determining step further comprises the step of interrogating rules for configuration information* (e.g., col.5: 25-55).

Claim 12:

Vaughan discloses *a computer program product for programmatically building a replica (clone) computer system program image, the computer program product comprising:*

a computer readable medium having computer readable program code therein (e.g., col.5: 56 – col.6: 16) *for performing a method comprising:*

creating a clone image of a computer system program, the clone lacking driver software (e.g., col.3: 54 – col.4: 42);

loading the clone image into a target computer system (e.g., col.4: 43-50);

loading into the target computer system a clone install program; executing the clone install program at the target computer system, the target computer system in network communication with a build computer system (e.g., col.4: 51-65);

detecting by the clone install program, configuration information of the computer system (e.g., col.5: 25-55);

transmitting by way of the install program, the configuration information to the build computer system for evaluation by said build computer system according to a configuration rule to determine a set of program components needed by the target computer system (e.g., col.5: 7-24);

receiving the set of program components from the build computer system; storing the set of program components at the target computer system (e.g., col.5: 56 – col.6: 16); *and*

using the set of program components, building, on the target computer, a replica of the computer system program, the replica including driver software (e.g., col.3: 54 – col.4: 42; col.6: 17-57).

Vaughan does not explicitly disclose *the program including driver software, the clone image lacking the driver software.*

However, in an analogous art, Sysprep-Nov01 further discloses:

a clone image of a program (e.g., page 1: 4-9; page 2: 5-27),

the program including driver software (e.g., page 1: 13-22; the program may include driver software for modems, sound cards, ..., such as an earlier version),

the clone image lacking the driver software (e.g., page 1: 24-26, page 2: 23-25) the clone image lacking said driver software, such as a later version and uninstalled).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sysprep-Nov01's teaching into Vaughan's teaching. One would have been motivated to do so to clone a computer system's operating system, software, and settings and add plug-and-play drivers by updating the driver repository of the target system as suggested by Sysprep-Nov01 (e.g., pp. 1-2).

Claim 13:

The rejection of claim 12 is incorporated. Vaughan also discloses *the executing step comprises the further steps of receiving an update to the install program from the build computer system* (e.g., col.4: 43-65).

Claim 14:

The rejection of claim 12 is incorporated. Vaughan also discloses *the set of program components comprise comprises any one of programs to be run on the target computer system to augment the install process, device drivers or application programs* (e.g., col.5: 7-24).

Claim 15:

Vaughan discloses *a system for creating a replica (clone) computer system program image, the system comprising:*

a network in communication with a target computer system (e.g., col.3: 54 – col.4: 42; col.6: 17-57);

a build computer system in communication with the network (e.g., col.4: 43-50; col.5: 25-55), wherein the build computer system performs a method comprising:

creating a clone image of a program, the clone image lacking driver software (e.g., col.4: 43-65);

downloading the clone image of the program to the target computer system~ in order to begin a build of the program on the target computer system (e.g., col.5: 25-55; col.4: 51 – col.5: 6);

receiving from the target computer system, target computer system configuration information; determining, according to the received target computer system configuration information and according to predetermined rules stored in the build computer system, a set of program components needed by the target computer system to complete the build of the program on the target computer system (e.g., col.5: 7-24; col.5: 56 – col.6: 16);

transmitting one or more program components of the determined set of programmed components to the target computer system (e.g., col.5: 7-24); and

using the one or more program components, completing the build of the program on the target computer system, such that the program includes driver software (e.g., col.4: 65 – col.5: 24; col.6: 17-57).

Vaughan does not explicitly disclose the program including driver software, the clone image lacking the driver software.

However, in an analogous art, Sysprep-Nov01 further discloses:

a clone image of a program (e.g., page 1: 4-9; page 2: 5-27),

the program including driver software (e.g., page 1: 13-22; the program may include driver software for modems, sound cards, ..., such as an earlier version),

the clone image lacking the driver software (e.g., page 1: 24-26,   page 2: 23-25) the clone image lacking said driver software, such as a later version and uninstalled).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sysprep-Nov01's teaching into Vaughan's teaching. One would have been motivated to do so to clone a computer system's operating system, software, and settings and add plug-and-play drivers by updating the driver repository of the target system as suggested by Sysprep-Nov01 (e.g., pp. 1-2).

Claim 16:

The rejection of claim 15 is incorporated. Vaughan also discloses *the target computer system configuration information comprises any one of an attached device information, a model information of the target computer system, a type information of the target computer system, an amount of memory information of the target computer system or a processor information of the target computer system* (e.g., col.4: 43-50; col.5: 25-55).

Claim 17:

The rejection of claim 15 is incorporated. Vaughan also discloses *the one or more program components comprise any one of a program for determining a computer system configuration information, device drivers, application programs or custom build programs* (e.g., col.5: 56 – col.6: 16; col.4: 43-65).

Claim 18:

Vaughan discloses *a system for programmatically building a replica (clone) computer system program image, the system comprising:*

a network in communication with a build computer system (e.g., col.3: 54 – col.4: 42; col.6: 17-57);

a target computer system in communication with the network, wherein the target computer system (e.g., col.4: 51-65) *performs a method comprising:*

creating a clone image of a computer system program, the clone lacking driver software; loading the clone image into a target computer system (e.g., col.4: 43-65; col.5: 25-55);

loading into the target computer system a clone install program (e.g., col.5: 25-55);

executing the clone install program at the target computer system, the target computer system in network communication with a build computer system (e.g., col.4: 51 – col.5: 6);

detecting by the clone install program, configuration information of the computer system (e.g., col.5: 7-24; col.5: 56 – col.6: 16);

transmitting by way of the install program, the configuration information to the build computer system for evaluation by said build computer system according to a configuration rule to determine a set of program components needed by the target computer system (e.g., col.5: 7-24);

receiving the set of program components from the build computer system (e.g., col.4: 43-col.5: 24; col.6: 17-57);

storing the set of program components at the target computer system; and using the set of program components, building, on the target computer, a replica of the computer system program, the replica including driver software (e.g., col.5: 56 – col.6: 16; col.4: 43 – col.5: 24).

Vaughan does not explicitly disclose the program including driver software, the clone image lacking the driver software.

However, in an analogous art, Sysprep-Nov01 further discloses:

a clone image of a program (e.g., page 1: 4-9; page 2: 5-27),

the program including driver software (e.g., page 1: 13-22; the program may include driver software for modems, sound cards, …, such as an earlier version),

the clone image lacking the driver software (e.g., page 1: 24-26, page 2: 23-25) the clone image lacking said driver software, such as a later version and uninstalled).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Sysprep-Nov01's teaching into Vaughan's teaching. One would have been motivated to do so to clone a computer system's operating system, software, and settings and add plug-and-play drivers by updating the driver repository of the target system as suggested by Sysprep-Nov01 (e.g., pp. 1-2).

Claim 19:

The rejection of claim 18 is incorporated. Vaughan also discloses *the executing step comprises the further steps of receiving an update to the install program from the build computer system* (e.g., col.4: 43-50;p col.6: 17-57).

Claim 20:

The rejection of claim 18 is incorporated. Vaughan also discloses *the set of program components comprise comprises any one of programs to be run on the target computer system to augment the install process, device drivers or application programs* (e.g., col.5: 56 – col.6: 16; col.4: 43 – col.5: 24).

Conclusion

10. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao

TUAN DAM
SUPERVISORY PATENT EXAMINER